

Regular Session, 2010

SENATE BILL NO. 196

BY SENATOR MOUNT

CHILDREN. Expands the definition of a child placing agency and exempts from licensure child-placing agencies owned and operated by the Department of Social Services. (10/1/10)

AN ACT

To amend and reenact R.S. 46:1403(A)(2) and 1404(B) and to enact R.S. 46:1403(A)(11) and to repeal Chapter 15 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:1451 through 1459, relative to child-placing agencies; to expand the definition of a child-placing agency; to provide for licensure of transitional youth residences as child-placing agencies; to provide an exemption to licensure of child-placing agencies operated by the Department of Social Services; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:1403(A)(2) and 1404(B) are hereby amended and reenacted and R.S. 46:1403(A)(11) is hereby enacted to read as follows:

§1403. Definitions

A. As used in this Chapter, the following definitions shall apply unless the context clearly states otherwise:

* * *

(2) "Child-placing agency" means any institution, society, agency, corporation, facility, person or persons, or any other group engaged in placing

children in foster homes or with substitute parents for temporary care or for adoption, or engaged in assisting or facilitating the adoption of children, **or engaged in placing youth in transitional placing programs,** but shall not mean a person who may occasionally refer children for temporary care.

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(11) "Youth" means a person not less than sixteen years of age nor older than twenty-one years of age.

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§1404. Requirement of licensure

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~~B. The office of community services within the Department of Social Services shall be licensed by the office of family support within the Department of Social Services and shall perform its child-placing functions in accordance with the established standards or certifications for licensed child-placing agencies.~~ **Child-placing agencies within the Department of Social Services shall be exempt from the provisions of this Chapter. The department is authorized and mandated to perform its child-placing functions in accordance with the standards promulgated by the department for licensed child-placing agencies.**

Section 2. Chapter 15 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:1451 through 1459, is hereby repealed in its entirety.

Section 3. All transitional youth residences which were licensed on the effective date of this Act shall be issued licenses as child-placing agencies on the effective date of this Act.

Section 4. This Act shall become effective on October 1, 2010.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Greg Waddell.

DIGEST

Present law provides for the definition of a "child-placing agency" as any institution, society, agency, corporation, facility, person or persons, or any other group engaged in placing children in foster homes or with substitute parents for temporary care or for adoption, or engaged in assisting or facilitating the adoption of children, but shall not mean a person who may occasionally refer children for temporary care.

Proposed law retains present law and expands the definition to include any institution, society, agency, corporation, facility, person or persons, or any other group engaged in placing youth in transitional placing programs.

Present law provides that the office of community services within the DSS shall be licensed by the office of family support within the DSS and shall perform its child-placing functions in accordance with the established standards or certifications for licensed child-placing agencies.

Proposed law repeals present law and provides that child-placing agencies within the DSS shall be exempt from the provisions of present law. Proposed law further provides that DSS shall perform its child placing functions in accordance with the standards promulgated by the department for licensed child placing agencies.

Present law requires that all transitional youth residences shall be licensed before beginning operation.

Proposed law repeals present law and requires that any institution, society, agency, corporation, facility, person or persons, or any other group engaged in placing youth in transitional placing programs be licensed as a child-placing facility.

Present law provides for fees, inspections, complaint procedures, renewals of a license, and penalties for operation without a license for transitional youth residences.

Proposed law repeals present law.

Effective October 1, 2010.

(Amends R.S. 46:1403(A)(2) and 1404(B); adds R.S. 46:1403(A)(11); repeals R.S. 46:1451 - 1459)